In particular, the Examiner is reminded that in determining unity of invention, the criteria set forth in 37 C.F.R. 1.475 must be considered. Specifically, Applicants note that 37 C.F.R. 1.475 provides:

> Unity of invention before the International Searching Authority, the International Preliminary Examining Authority, and during the national stage.
>
> (a) An international and a national stage application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept ("requirement of unity of invention"). Where a group of inventions is claimed in an application, the requirement of unity of invention shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.
>
> (b) An international or a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn only to one of the following combinations of categories:
>
> (1) A product and a process specially adapted for the manufacture of said product; or
>
> (2) A product and process of use of said product; or
>
> (3) A product, a process specially adapted for the manufacture of the said product, and a use of the said product; or
>
> (4) A process and an apparatus or means specifically designed for carrying out the said process; or
>
> (5) A product, a process specially adapted for the manufacture of the said product, and an apparatus or means specifically designed for carrying out the said process.
>
> (c) If an application contains claims to more or less than one of the combinations of categories of invention set forth in paragraph (b) of this section, unity of invention might not be present.
>
> (d) If multiple products, processes of manufacture, or uses are claimed, the first invention of the category first mentioned in the claims of the application and the first recited invention of each of the other categories related thereto will be considered as the main invention in the claims, see PCT Article 17(3)(a) and § 1.476(c).
>
> (e) The determination whether a group of inventions is so linked as to form a single general inventive concept shall be made without regard to whether the inventions are claimed in separate claims or as alternatives within a single claim.

Thus, in stating the restriction requirement, the requirement must state why unity of invention is lacking under 1.475. In the instant situation, the requirement *does not* refer to 1.475, and does not indicate that the requirement is proper in view of this rule.

The requirement does point to PCT Rule 13.1 and PCT Rule 13.2, and asserts that the inventions do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, "they lack the same or corresponding technical features," asserting that US PG Pub. No. 2005/0201264 teaches a device that uses a blade to cut through the top resin before punching out the center hold of the optical recording medium (disklike substrate), said cut being of larger diameter then [*sic*, than] the center hole." However, the requirement does not discuss 1.475(b)(1) which permits an international or a national stage application containing claims to different categories of invention to have unity of invention if the claims are drawn only to, *e.g.*, a process and an apparatus or means specifically designed for carrying out the said process.

Therefore, the requirement for restriction is not proper, and should be withdrawn.

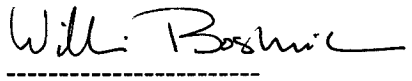
Applicants also note that US PG Pub. No. 2005/0201264 has not been applied in any rejections of the pending claims, and in this regard, Applicants do not acquiesce to the Examiner's determinations with respect to US PG Pub. No. 2005/0201264; to the contrary, Applicants reserve the right to traverse any and all rejections of the pending claims based on US PG Pub. No. 2005/0201264.

In view of the foregoing, it is respectfully requested that the Examiner reconsider the requirement for restriction, and withdraw the same so as to give an examination on the merits on all of the claims pending in this application.

For all of the above reasons, the Examiner's restriction is believed to be improper. Nevertheless, Applicants have elected, with traverse, the invention defined by Invention I comprising claims 1-7, in the event that the Examiner chooses not to reconsider and withdraw the restriction requirement.

Should there be any questions or comments, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Mamoru USAMI et al.



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